



General Assembly

January Session, 2007

Amendment

LCO No. 9386

HB0729609386HDO

Offered by:
REP. ROY, 119th Dist.

To: House Bill No. 7296

File No. 434

Cal. No. 362

**"AN ACT CONCERNING THE REPORTING OF PETROLEUM AND
CHEMICAL SPILLS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 22a-449o of the general statutes, as amended by
4 section 1 of substitute house bill 7125 of the current session, is repealed
5 and the following is substituted in lieu thereof (*Effective October 1,*
6 *2007*):

7 (a) As used in this section:

8 (1) "Double-walled underground storage tank" means an
9 underground storage tank that is listed by Underwriters Laboratories,
10 Incorporated and that is constructed using two complete shells to
11 provide both primary and secondary containment, and having a
12 continuous three-hundred-sixty degree interstitial space between the
13 two shells which interstitial space shall be continuously monitored
14 using inert gas or liquid, vacuum monitoring, electronic monitoring,

15 mechanical monitoring or any other monitoring method approved in
16 writing by the commissioner before being installed or used;

17 (2) "Double-walled underground storage tank system" means one or
18 more double-walled underground storage tanks connected by double-
19 walled piping and utilizing double-walled piping to connect the
20 underground storage tank to any associated equipment;

21 (3) "Hazardous substance" means a substance defined in Section
22 101(14) of the Comprehensive Environmental Response,
23 Compensation and Liability Act of 1980, but does not include any
24 substance regulated as a hazardous waste under subsection (c) of
25 section 22a-449 or any mixture of such substances and petroleum;

26 (4) "Petroleum" means crude oil, crude oil fractions and refined
27 petroleum fractions, including gasoline, kerosene, heating oils, any
28 biofuel blend, and diesel fuels;

29 (5) "Underground storage tank" means a tank or combination of
30 tanks, including underground pipes connected thereto, used to contain
31 an accumulation of petroleum or hazardous substances, whose volume
32 is ten per cent or more beneath the surface of the ground, including the
33 volume of underground pipes connected thereto; [and]

34 (6) "Underground storage tank system" means an underground
35 storage tank, connected piping and any associated ancillary equipment
36 and containment system, including, but not limited to, satellite piping,
37 and all containment sumps, [dispensers and dispenser pans or other
38 comparable underdispenser spill containment] including, but not
39 limited to new under-dispenser containment sumps and new piping
40 containment sumps;

41 (7) "Under-dispenser containment sump" means a containment
42 sump located underneath a dispenser that prevents liquids that may
43 accumulate in such containment sump, such as leaks from the
44 dispenser, from leaving the containment sump and reaching soil,
45 groundwater or surface waters;

46 (8) "New under-dispenser containment sump" means a containment
47 sump located underneath a dispenser that (A) prevents liquids that
48 may accumulate in such containment sump, such as leaks from the
49 dispenser, from leaving the containment sump and reaching soil,
50 groundwater or surface waters, (B) allows for visual inspection and
51 access to the components of such sump and any components contained
52 therein, (C) contains leak detection equipment, such as a sensor, that at
53 all times is capable of detecting any liquid that may accumulate in such
54 containment sump, including, but not limited to, leaks from the
55 dispenser, and (D) contains an alarm or other device that notifies the
56 owner or operator immediately whenever a liquid accumulates in the
57 containment sump;

58 (9) "New piping containment sump" means a sump housing a
59 turbine pump or piping that distributes petroleum or regulated
60 substances and that (A) prevents liquids that may accumulate in such
61 containment sump, including, but not limited to, leaks from the piping
62 or pump, from leaving the containment sump and reaching soil,
63 groundwater or surface waters, (B) allows for visual inspection and
64 access to the components of such sump and the components contained
65 therein, (C) contains leak detection equipment, such as a sensor, that at
66 all times is capable of detecting any liquid that may accumulate in such
67 containment sump, including, but not limited to, leaks from the
68 turbine pump or piping, and (D) contains an alarm or other device that
69 notifies the owner or operator immediately whenever a liquid
70 accumulates in the containment sump;

71 (10) "Operator" means any person or municipality in control of, or
72 having responsibility for, the daily operation of an underground
73 storage tank system; and

74 (11) "Owner" means the person or municipality in possession of or
75 having legal ownership of an underground storage tank system.

76 (b) No person or municipality shall install, on or after October 1,
77 2003, an underground storage tank system and no person or

78 municipality shall operate or use, an underground storage tank system
79 installed after October 1, 2003, unless such underground storage tank
80 system is a double-walled underground storage tank system. [This
81 section shall not apply to a residential underground storage tank
82 system, as defined in section 22a-449a. On or after January 1, 2008, no
83 person or municipality shall install an underground storage tank
84 system, or operate or use an underground storage tank system
85 installed after January 1, 2008, unless such underground storage tank
86 system is equipped with liquid-tight and vapor-tight sumps with
87 electronic leak detectors and dispenser pans or other comparable
88 underdispenser spill containment with electronic leak detectors. No
89 person or municipality shall have an underground storage tank
90 system's containment sump, dispenser or underdispenser spill
91 containment repaired on or after January 1, 2008, to restore said
92 components to operating condition without equipping said
93 underground storage tank system with liquid-tight and vapor-tight
94 sumps with electronic leak detectors and dispenser pans or other
95 comparable underdispenser spill containment with electronic leak
96 detectors.]

97 (c) On and after January 1, 2008, no person or municipality shall
98 install, operate or use an underground storage tank system installed
99 after January 1, 2008, unless such underground storage tank system is
100 equipped with a new under-dispenser spill containment sump with
101 leak detection.

102 (d) On or after January 1, 2008, no person or municipality shall
103 replace a piping containment sump and no person or municipality
104 shall operate or use an underground storage tank system with a
105 replaced piping containment sump, unless the replaced piping
106 containment sump meets the requirements of a new piping
107 containment sump. On or after January 1, 2008, any person or
108 municipality that replaces twenty-five per cent or more of the piping
109 associated with an underground storage tank system or twenty-five
110 per cent or more of the dispensers at a facility, shall ensure that an
111 under-dispenser containment sump that qualifies as a new under-

112 dispenser containment sump, as defined in this section, is installed for
113 each dispenser associated with such underground storage tank system,
114 or in the case of a facility, for all dispensers at such facility. On or after
115 January 1, 2008, any person or municipality that replaces an under-
116 dispenser containment sump shall replace such sump with a new
117 under-dispenser containment sump. On or after January 1, 2008, any
118 person or municipality that replaces a dispenser and more than fifty
119 per cent of the transitional component, such as a flex-joint or flexible
120 piping, that is physically located directly beneath the dispenser, shall
121 install a new under-dispenser containment sump for the replaced
122 dispenser, except such requirement shall not apply for a dispenser that
123 is replaced due to damage resulting from an accident or vandalism.

124 (e) (1) Prior to using or operating an underground storage tank
125 system installed after January 1, 2008, the owner or operator of any
126 such underground storage tank system shall conduct tests which
127 demonstrate that there is no release or loss of any liquids from any
128 part of the double-walled underground storage tank system, including
129 a demonstration that any liquid that accumulates in a new piping
130 containment sump and a new under-dispenser containment sump will
131 not leave such sump or be released into the environment. The owner
132 or operator shall perform such test upon installation, six months after
133 installation, and every five years thereafter. On or before January 1,
134 2011, the Commissioner of Environmental Protection may review the
135 results of all of the tests performed six months after installation, and
136 their effectiveness in detecting leaks.

137 (2) The owner or operator of any underground storage tank system
138 repairing a piping containment sump or under-dispenser containment
139 sump installed after January 1, 2008, prior to using or operating such
140 system, shall conduct a test that demonstrates that after such repairs,
141 the repaired piping containment sump or under-dispenser
142 containment sump meets the requirements of a new piping
143 containment sump or new under-dispenser containment sump before
144 using or operating such underground storage tank system.

145 (3) The tests required by subdivisions (1) and (2) of this subsection
146 shall be conducted in accordance with the manufacturer's guidelines or
147 standards. If there are no such guidelines or standards, the owner or
148 operator shall conduct such tests in accordance with an applicable
149 method specified in an industry code or engineering standard. The
150 owner or operator of an underground storage tank system shall
151 maintain the results of all testing to demonstrate compliance with the
152 requirements of this subsection. The owner or operator shall provide
153 such results to the Commissioner of Environmental Protection upon
154 request.

155 (f) If an alarm, sensor or similar device in a new under-dispenser
156 containment sump or new piping containment sump indicates that
157 liquid is present in such sump, the owner or operator of such sump
158 shall: (1) Immediately investigate the cause for the presence of liquids
159 in such sump and take corrective measures as appropriate; (2) remove
160 all petroleum from such sump not later than twenty-four hours after
161 any alarm or similar device indicates that liquids are present in such
162 sump; and (3) remove all other liquids, including, but not limited to,
163 water, from such sump not later than seventy-two hours after any
164 alarm or similar device indicates that liquids are present in such sump.
165 Any liquids removed from an under-dispenser containment sump or
166 new piping containment sump shall be managed in accordance with
167 any regulations adopted pursuant to this section.

168 (g) No person, including, but not limited to, an owner or operator,
169 shall remove, disable or otherwise render inoperable any sensor in a
170 new under-dispenser containment sump or new piping containment
171 sump or any alarm or other device used to indicate whether liquids are
172 present in any such sump. No owner or operator shall use an
173 underground storage tank system equipped with a new under-
174 dispenser containment sump or a new piping containment sump if any
175 sensor in such sump, or any alarm or other device used to indicate
176 whether liquids are present in any such sump, is removed, disabled or
177 otherwise inoperable.

178 (h) The Commissioner of Environmental Protection may adopt
179 regulations, in accordance with the provisions of chapter 54, to carry
180 out the provisions of this section, including, but not limited to,
181 requirements for: Testing procedures, the storage of records regarding
182 testing, and underground storage tank systems that differ from those
183 set forth in this section, including which underground tank systems
184 are subject to the requirements of this section.

185 (i) This section shall not apply to a residential underground storage
186 tank system, as defined in section 22a-449a."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	22a-449o